IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:08cv567-3-W

JORGE ROMERO-ALARCON,)	
Petitioner,)	
V.)	ORDER
UNITED STATES OF AMERICA,)	<u> </u>
Respondent.)	
)	

THIS MATTER comes before the Court on Petitioner's "Motion for Leave to Conduct Discovery" (Document No. 4). In his Motion, Petitioner seeks copies of any proposed plea agreements or records of communications concerning plea negotiations between the Assistant United States Attorney and his counsel, Calvin Coleman; any written policy from the United States Attorney's Office regarding conditional pleas; and any notes, phone messages, calendar entries or other memorializations relating to plea negotiations between his counsel and the Assistant United States Attorney.

The Court will defer ruling on Petitioner's Motion until after such time as the United States files a response to Petitioner's Motion to Vacate which may include a Motion for Summary Judgment with an attached affidavit from Petitioner's former counsel, Calvin Coleman.

IT IS HEREBY ORDERED that:

(1) The Court will defer ruling on Petitioner's Motion for Leave to Conduct

Discovery (Doc. No. 4) until after the Respondent has filed an Answer to

Petitioner's Motion to Vacate which may include a Motion for Summary

Judgment with an attached affidavit from Petitioner's counsel, Calvin Coleman.

(2) The Clerk is directed to send a copy of this Order to Mr. Calvin Coleman, 215 S.
Washington, Suite 108, Shelby, NC 28150.

SO ORDERED.

Signed: January 8, 2009

Frank D. Whitney

United States District Judge